

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554**

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|--|---|------------------|
| In re  | ) |                  |
|  | ) |                  |
| Request for Declaratory Ruling Regarding the | ) |                  |
| Federal Communications Commission's          | ) | WC Docket 03-109 |
| Lifeline Verification Rules                  | ) |                  |
|  | ) |                  |

To: Wireline Competition Bureau

**REQUEST FOR DECLARATORY RULING**

RCC Minnesota, Inc. ("RCC" or "Petitioner"), by its attorneys and pursuant to 47 C.F.R. § 1.2, requests a declaratory ruling that where a state commission which has mandated Lifeline support does not impose certification and verification requirements on CMRS carriers, it is legally sufficient for a CMRS carrier to follow the FCC's rules for certifications and verifications contained in Section 54.410 of the Commission's rules.

**I. Background**

1. RCC provides Cellular Radiotelephone Service ("CRS") and Personal Communications Service ("PCS") to its subscribers in a number of states, including the state of Washington. In August 2002, the Washington Utilities and Transportation commission ("WUTC") designated RCC as an ETC in the state of Washington.<sup>1</sup> Since that time, RCC has operated as an ETC and has advertised the availability of its Lifeline and Linkup services.

2. Since the Commission's Lifeline Order was published last year,<sup>2</sup> RCC has been working diligently to ensure that it is in compliance with the WUTC's Lifeline certification and verification rules. However, in the course of their efforts at compliance RCC was notified that WUTC's certification and verification rules would be administered via Washington's Telephone

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<sup>1</sup> *In the Matter of Petition of RCC Minnesota, Inc. for Designation as Eligible Telecommunications Carriers*, Docket No. UT-023033, *Order Granting Petition for Designation as Eligible Telecommunications Carrier* (August 14, 2002).

<sup>2</sup> *Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 03-109, FCC 04-87 (April 29, 2004)

Assistance Program (“WTAP”). WTAP operates a database, through which carriers can verify a consumer’s participation in one of Washington’s eligible programs when a consumer signs up for Lifeline service. However, because participation in WTAP is optional for wireless ETCs in Washington, RCC has elected not to participate in the state program which puts their Lifeline customer base outside of WUTC’s certification and verification procedures. Furthermore, within the past three weeks, a staff person with the WUTC informed RCC that WTAP’s certification and verification procedures did not extend to tribal customers within the state of Washington and that the FCC’s federal default procedures should be followed with respect to tribal customers. RCC has asked the WUTC to confirm this advice in writing. Should the WUTC issue a written confirmation, RCC will provide a copy as a supplement to this Petition.

3. Upon being informed of the WUTC’s position, RCC sought advice from the FCC staff and this Request followed. At this time RCC seeks confirmation that complying with the FCC’s federal default procedures for certification and verification are adequate to be in compliance with Section 54.410 of the FCC’s Rules. RCC shall submit its verification data to the FCC on or before June 22, 2005.

## **II. Request for Declaratory Ruling.**

4. Pursuant to 47 C.F.R. § 1.2, Petitioner requests a declaratory ruling to remove uncertainty regarding the interplay between federal and state Lifeline compliance requirements. The Commission should declare that when a state commission that has designated an ETC under 47 U.S.C. §214(e)(2), but does not accept verification data for customers located within the state, an affected carrier should follow the FCC’s federal default guidelines contained in Section 54.410 of the Commission’s rules. None of the FCC’s rules or orders describe a situation where a state that has designated a carrier as an ETC under 47 U.S.C. §214(e)(2), but does not accept verification data for customers located within the state.

5. The Commission should also declare that when a state commission that has designated an ETC under 47 U.S.C. §214(e)(2) does not enforce its certification rules within any

portion of the state, an affected carrier should follow the FCC's federal default guidelines contained in Section 54.410 of the Commission's rules.

12. Without clarity on these points, a carrier may reasonably infer that Lifeline customers in Washington are not subject to federal or state certification and verification rules.

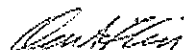
**Conclusion.**

RCC wants to ensure that it meets all of its regulatory obligations as an ETC. In the absence of an opportunity to participate in the WUTC's certification or verification procedures, the only alternative means for a carrier to achieve compliance is to follow the federal rules for certifications and to submit its verification data to USAC.

For all of the reasons set forth above, Petitioner requests the Commission to declare that where states that have designated ETCs under Section 214(e)(2) do not impose certification and verification requirements on ETCs, the appropriate course is to follow the certification and verification rules for default states contained in Section 54.410 of the Commission's rules.

Respectfully submitted,

**RCC MINNESOTA, INC.**



By: \_\_\_\_\_

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June 17, 2005

## CERTIFICATE OF SERVICE

I, Donna Brown, an employee in the law offices of Lukas, Nace, Gutierrez & Sachs, Chartered, do hereby certify that I have on this 17th day of June, 2005, sent by hand-delivery, a copy of the foregoing REQUEST FOR DECLARATORY RULING to the following:

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